



3/5/08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:) Before the Examiner
Eisermann et al.) David C. Comstock
Application Serial No. 10/734,041)
Filed December 11, 2003) Ref. No. MSDI-222/
EXPANDABLE INTERVERTEBRAL) PC765.00
IMPLANT) January 2, 2008

RESPONSE TO FINAL OFFICE ACTION

*Entered with
PCÉ 3/5/08*
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated November 1, 2007, please consider the following amendments and remarks. The two-month early response period for responding to the final Office Action expired on January 1, 2008, which fell on a federal holiday, thereby extending the two-month early response period to January 2, 2008 (the first business day after January 1, 2008). Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:
January 2, 2008
Date of Deposit
Brad A. Schepers
Name of Registered Representative
<i>Brad A. Schepers</i>
Signature
January 2, 2008
Date of Signature